

**SUPREME COURT MINUTES
MONDAY, APRIL 27, 2015
SAN FRANCISCO, CALIFORNIA**

S112442

**PEOPLE v. SMITH, JR.,
(PAUL GORDON)**

Opinion filed: Judgment reversed

We affirm the judgment of guilt, and reverse the judgment of death.

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Werdegar, Chin, Liu, Cuéllar, and Kruger, JJ.

S204058

VAN SON ON DISCIPLINE

Probation revoked

The court orders that the probation of CHRISTOPHER JOHN van SON, State Bar Number 133440, is revoked. The court further orders that:

1. CHRISTOPHER JOHN van SON is suspended from the practice of law for a minimum of two years, and he will remain suspended until:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the Fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Daniel Belcher in the amount of \$1,650 plus 10 percent interest per year from July 27, 2011;
 - (2) Richard Nersean in the amount of \$1,650 plus 10 percent interest per year from August 9, 2011;
 - (3) Charity and Francisco Gonzales in the amount of \$947.50 plus 10 percent interest per year from January 31, 2010;
 - (4) Therese Austin in the amount of \$1,610 plus 10 percent interest per year from March 9, 2011;
 - (5) Kenneth Preston in the amount of \$5,000 plus 10 percent interest per year from June 3, 2011;
 - (6) John Burkin in the amount of \$1,500 plus 10 percent interest per year from August 9, 2011;
 - (7) Leticia and Orlando Bastides in the amount of \$5,000 plus 10 percent interest per year from July 13, 2011;
 - (8) Joseph Carlos in the amount of \$4,994 plus 10 percent interest per year from July 10, 2011;

- (9) Dean and Shareece Kowal in the amount of \$1,650 plus 10 percent interest per year from July 25, 2011;
 - (10) Steve Merino in the amount of \$5,000 plus 10 percent interest per year from April 1, 2011;
 - (11) Dania Kreiger in the amount of \$4,300 plus 10 percent interest per year from August 11, 2011;
 - (12) Darlene Mulvanity in the amount of \$2,500 plus 10 percent interest per year from June 3, 2011;
 - (13) Maria Pavlova in the amount of \$5,000 plus 10 percent interest per year from August 4, 2011; and
 - (14) Vennie Forks in the amount of \$5,000 plus 10 percent interest per year from June 15, 2011.
- ii. He provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std.1.2(c)(1).)
2. CHRISTOPHER JOHN van SON is given credit towards the two-year suspension for the period of involuntary inactive enrollment which commenced on February 5, 2015. CHRISTOPHER JOHN van SON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.
Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223975**JOHNSON ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN JOSEPH JOHNSON, State Bar Number 88888, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. STEPHEN JOSEPH JOHNSON is suspended from the practice of law for the first 90 days of probation;
2. STEPHEN JOSEPH JOHNSON must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 2, 2014; and
3. At the expiration of the period of probation, if STEPHEN JOSEPH JOHNSON has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN JOSEPH JOHNSON must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

STEPHEN JOSEPH JOHNSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If STEPHEN JOSEPH JOHNSON fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S223977**ALARI ON DISCIPLINE**

Recommended discipline imposed

The court orders that STANLEY ALARI, State Bar Number 53058, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. STANLEY ALARI is suspended from the practice of law for the first 90 days of probation;
2. STANLEY ALARI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 10, 2014; and
3. At the expiration of the period of probation, if STANLEY ALARI has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

STANLEY ALARI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

STANLEY ALARI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If STANLEY ALARI fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S223979**ALAVI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BRIAN BAMSHAD ALAVI, State Bar Number 217433, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BRIAN BAMSHAD ALAVI must make restitution to Barbara Dik in the amount of \$18,430 plus 10 percent interest per year from July 15, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

BRIAN BAMSHAD ALAVI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223981**BADER ON DISCIPLINE**

Recommended discipline imposed

The court orders that DOUGLAS ALAN BADER, State Bar Number 182315, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DOUGLAS ALAN BADER is suspended from the practice of law for the first 60 days of probation;
2. DOUGLAS ALAN BADER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 25, 2014; and
3. At the expiration of the period of probation, if DOUGLAS ALAN BADER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DOUGLAS ALAN BADER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If DOUGLAS ALAN BADER fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S223982**CAVAZOS, JR., ON
DISCIPLINE**

Recommended discipline imposed

The court orders that HECTOR ARNOLDO CAVAZOS, JR., State Bar Number 226400, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. HECTOR ARNOLDO CAVAZOS, JR., is suspended from the practice of law for a minimum of the first eighteen (18) months of probation, and he will remain suspended until the following conditions are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Rosalba and Damin Luna in the amount of \$3,000 plus 10 percent interest per year from October 21, 2014;
 - (2) Gerardo Barrera in the amount of \$1,500 plus 10 percent interest per year from October 21, 2014;
 - (3) Ramiro Rodriguez Alvarado and Liselda Luna in the amount of \$5,000 plus 10 percent interest per year from October 21, 2014; and
 - (4) Felipe and Bertha Plascencia in the amount of \$1,500 plus 10 percent interest per year from October 21, 2014.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. HECTOR ARNOLDO CAVAZOS, JR., must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 2, 2014.
3. At the expiration of the period of probation, if HECTOR ARNOLDO CAVAZOS, JR., has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

HECTOR ARNOLDO CAVAZOS, JR., must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

HECTOR ARNOLDO CAVAZOS, JR., must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224010**BAGDASSARIAN ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GAGUIK BAGDASSARIAN, State Bar Number 157237, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GAGUIK BAGDASSARIAN must make restitution to Osama Dada in the amount of \$22,600 plus 10 percent interest per year from April 21, 2014. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

GAGUIK BAGDASSARIAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224011**GALLARDO ON DISCIPLINE**

Recommended discipline imposed

The court orders that ENRIQUE VERA GALLARDO, State Bar Number 191670, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. ENRIQUE VERA GALLARDO is suspended from the practice of law for the first 30 days of probation;
2. ENRIQUE VERA GALLARDO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 3, 2014; and
3. At the expiration of the period of probation, if ENRIQUE VERA GALLARDO has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ENRIQUE VERA GALLARDO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If ENRIQUE VERA GALLARDO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S224012**DORAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PATRICIA JAMIE DORAN, State Bar Number 65662, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

PATRICIA JAMIE DORAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224113**ASSURAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that DENNIS M. ASSURAS, State Bar Number 85874, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. DENNIS M. ASSURAS is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following conditions are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Richard Chavira in the amount of \$2,625 plus 10 percent interest per year from July 26, 2012; and
 - (2) John Roach in the amount of \$875 plus 10 percent interest per year from January 4, 2013.
 - ii. DENNIS M. ASSURAS provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. DENNIS M. ASSURAS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 2, 2014.

3. At the expiration of the period of probation, if DENNIS M. ASSURAS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DENNIS M. ASSURAS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224126**ETEZADI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID JOSEPH ETEZADI, State Bar Number 125552, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID JOSEPH ETEZADI must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224211**MILNES ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL ALAN MILNES, State Bar Number 37609, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MICHAEL ALAN MILNES is suspended from the practice of law for the first 90 days of probation;
2. MICHAEL ALAN MILNES must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 15, 2014; and
3. At the expiration of the period of probation, if MICHAEL ALAN MILNES has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL ALAN MILNES must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MICHAEL ALAN MILNES must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224327**KELLY ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL JOEL KELLY, State Bar Number 105880, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL JOEL KELLY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 12, 2014; and
2. At the expiration of the period of probation, if MICHAEL JOEL KELLY has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL JOEL KELLY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If MICHAEL JOEL KELLY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S224329**FREGI ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW JOHN FREGI, State Bar Number 239525, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MATTHEW JOHN FREGI is suspended from the practice of law for the first 30 days of probation;
2. MATTHEW JOHN FREGI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 3, 2014 ; and
3. At the expiration of the period of probation, if MATTHEW JOHN FREGI has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MATTHEW JOHN FREGI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224366**GALLAGHER ON
DISCIPLINE**

Recommended discipline imposed

The court orders that PHILIP C. GALLAGHER, State Bar Number 111515, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. PHILIP C. GALLAGHER is suspended from the practice of law for the first 30 days of probation;
2. PHILIP C. GALLAGHER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 2, 2014; and
3. At the expiration of the period of probation, if PHILIP C. GALLAGHER has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

PHILIP C. GALLAGHER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224492**SEBGHATI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that SAVIZ SEBGHATI, State Bar Number 124978, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

SAVIZ SEBGHATI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,200)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)